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John Joseph King

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TECHNOLOGY, PATENTS AND LICENSING, INC.

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SUITE 208

DOYLESTOWN, PA 18901

EXAMINER

DIVECHA, KAMAL B

ART UNIT

PAPER NUMBER

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/002,799

Applicant(s)

KING ET AL.

Examiner

KAMAL B. DIVECHA

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-20 were previously cancelled.

Claims 21-56 are pending in this application.

Claims 41-49 are cancelled in response filed 10/17/07.

Claims 50-56 are newly added in response filed 10/17/07.

Response to Arguments

Applicant's arguments filed 10/17/07 have been fully considered but they are not persuasive.

In response filed, applicant argues in substance that:

a. Santoro in view of McDaniel and Breacher does not teach or suggest "enabling access by said first user, remote from said cellular telephone by way of a webpage associated with a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed" (remarks, pg. 13-14).

In response to argument [a], Examiner respectfully disagrees.

In support for the claimed limitation, the applicant specification discloses (pg. 8 lines 1-12):

In addition, the banner ad could include options to access additional information regarding the content of the picture file or go to a particular website by selecting the banner ad. For example, a box 514 could be selected to enable a user to close out the information display area on the device. Alternatively, a box 516 could be selected to "save" the content of the information display area to a predetermined folder for easy access. Such a feature is particularly useful for a wireless device where the user interface or display may be less conducive to viewing a large amount of information. Preferably, the information in the information display would be saved to a user's website, which could be a personal website or a webpage for the user associated with the user's wireless service provider. Accordingly, a user could access information provided to the wireless device at a more convenient time or from a device with a more suitable user interface for reviewing the information.

In other words, the picture files is saved to a user's website or webpage, and the web page enables access by the user from a different device such as PC, laptop or other device having a suitable user interface.

Initially, it should be noted that providing a set of information through a web page or website and/or saving the set of information to a web page or web site, by itself, enables access by anyone at any location using any device having a web browser.

Santoro teaches displaying the plurality of tiles, i.e. picture files, on a display of a cellular telephone, wherein the tiles are associated with a toolbar function for adjusting the properties of the tile (See col. 9 L56 to col. 10 L22).

Santoro also teaches the process wherein the plurality of tiles are represented by markup language files and viewed within a web-browser environment, for example: see col. 15 L25-34.

Furthermore, Santoro discloses a metabase wherein the tiles, grids, and content are created, saved, and restored via the metabase, See col. 15 L50-67, col. 17 L50-53.

Tiles, as in Santoro are associated with set of widget such as buttons, a label, an edit widget that enables a user to enter text into an editable field, list widget, etc., See col. 15 L65 to col. 16 L9.

Moreover, at column 22 lines 1 to col. 23 lines 29, Santoro discloses a server enabling the client to store, edit and download the plurality of tiles, i.e. picture files, using a web browser. Santoro utilizes the servers that allows for the latest version of tiles to be downloaded and installed across all devices. Users are then able to share grids and tiles with other users. The server side technology utilized permits the users of all client devices, from desktop PCs to mobile telephone with a consistent experience.

The fact that the tiles are downloaded through a web browser, which are associated with set of widget that enables the user's to edit properties of tiles, and which are saved/created and restored via the metabase, and more importantly, which can be shared and accessed using the desktop PC and mobile telephones suggests enabling the access by the user, remote from a cellular telephone by way of a web page associated with a wireless service provider.

Accessing the plurality of tiles from a desktop PC via the server or website does in fact teach and suggest access by a user, i.e. from the desktop PC, remote from the cellular telephone, i.e. desktop PC is remote from the mobile telephone, for a user associated with a wireless service provider for said cellular telephone, i.e. accessing and sharing the plurality of tiles through the server.

As such, Santoro does teach and disclose the feature as in argument [a].

b. Furthermore, Santoro does not teach or suggest a webpage associated with a wireless service provider (remarks, pg. 14).

In response to argument [b], Examiner respectfully disagrees.

As set forth above, Santoro discloses a server enabling the client to store, edit and download the plurality of tiles, i.e. picture files, using a web browser. Santoro utilizes the servers that allows for the latest version of tiles to be downloaded and installed across all devices, for example, see col. 22 1 to col. 23 lines 29.

It is clear that the server hosts the website which enables the client to download the plurality of tiles to the user's system via the web browser.

The server and/or the web site is said to be associated, or in communication with the wireless service provider, See fig. 24 and fig. 27.

Note: The term “associated” is broad. It can be interpreted as: “in communication, in relation, in partnership, in connection, etc.”

c. At no point in McDaniel are the picture files simultaneously displayed on the user device (remarks, pg. 15).

In response to argument [c], Examiner respectfully disagrees.

The office action refers to Santoro as teaching the simultaneous display of the picture files, for example, See non-final action, pg. 8 and/or Santoro: col. 8 lines 35-64, col. 10 lines 44-65.

That is, Santoro clearly discloses the process of simultaneously displaying a plurality of picture files on a display of said cellular telephone, for example, see fig. 4.

d. McDaniel does not teach or suggest the user of a cellular telephone as recited in the claims. The software reviewed in McDaniel refers specifically to the "Palm...". These Palm models were not cellular phones, nor did they have the capacity to make telephone calls, receive calls or have similar technology...McDaniel does not explicitly or implicitly suggest that the software could be used for or would be advantageous to be used on a cellular telephone...(remarks, pg. 15).

In response to argument [d], Examiner respectfully disagrees.

At the time the invention was made, the combination of cellphone and palm operating system into a single device was known to one of ordinary skilled in the art, for example, Qualcomm's pdq Palm/Cellphone device.

The pdq runs Palm III operating system with cell phone capabilities.

Therefore, the albumtogo software which was available for Palm devices was in fact also available for the pdq device.

In short, the software, i.e. AlbumtoGo, was not limited to non-cellular PDA, thus, McDaniel does teach software and application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on a cellular telephone and/or Palm device.

e. The combination of Santoro and McDaniel is improper (remarks, pg. 16-17).

In response to applicant's argument that the combination of Santoro and McDaniel is improper, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, both Santoro and McDaniel are related to displaying plurality of picture files on a display of a handheld device, which is believed to be applicant's field of endeavor, See applicant's specification, pg. 3 lines 1-15, pg. 9 lines 15-35.

Furthermore, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where

there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, one of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures, i.e. tiles that represent specific set of information, from plurality of picture files, i.e. plurality of tiles, for the slide show, i.e. presentation of user identified information, on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

Terminal Disclaimer

The terminal disclaimer filed on 10/15/07 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of USPN 7,072,683 ("the '683 patent") has been reviewed and is accepted. The terminal disclaimer has been recorded.

Double Patenting

The Double Patenting rejection presented in the previous office action in view of USPN 7,072,683 is withdrawn in light of Terminal Disclaimer above.

The Double Patenting rejection presented in the previous office action in view of application no. 10/307,096 and 10/307,175 is withdrawn in light of the abandonment of

application 10/307,096 on April 17, 2006, and abandonment of application 10/307,175 on August 30, 2006 (remarks, pg. 11-12).

Claim Rejections - 35 USC § 112

The 35 U.S.C. 112, second paragraph rejection presented in the previous office action is withdrawn in light of claim amendments.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 54-56 are rejected under 35 U.S.C. 102(e) as anticipated by Santoro et al. (hereinafter Santoro, U. S. Patent No. 6,724,403 B1).

As per claim 54, Santoro discloses a method of viewing a picture file, the method comprising:

storing a plurality of picture files on a cellular telephone (fig. 16 item #1502, fig. 17 item #1734, fig. 19 item #1918, fig. 2 item #100, item #122 and col. 9 L57-61);

simultaneously displaying the plurality of picture files on a display of the cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);

enabling a user to edit information associated with at least one of the plurality of picture files (col. 9 L54 to col. 10 L22, col. 17 L20-24, col. 22 L50-67: adjusting properties or content of tiles);

enabling access to the plurality of picture files via a website associated with a wireless service provider, wherein the wireless service provider provides services for the cellular phone (col. 9 L1-56, col. 9 L57 to col. 10 L39, col. 15 L25-34, col. 22 L1 to col. 23 L18: server enables the access to plurality of tiles via the web browser);

enabling the user to edit information associated with at least one of the plurality of picture files via the website (col. 13 L20 to col. 14 L25, col. 15 L25 to col. 16 L9, col. 17 L20-25: user changing the content of tiles via the web browser); and

displaying at least one of the plurality of picture files on the cellular phone with the information edited in step (e) (col. 22 L1-67, col. 15 L51-65: creating, saving and restoring tiles).

As per claim 55, Santoro discloses the process further comprising receiving at least one of the plurality of files by way of a wireless link of a telecommunications network (col. 23 L30 to col. 24 L14).

As per claim 56, Santoro discloses the process further comprising enabling the enlargement of a picture file displayed during said step of displaying (col. 9 L1-56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 21-22, 24-27, 29-40 and 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santoro et al. (hereinafter Santoro, U. S. Patent No. 6,724,403 B1) in view of Heather McDaniel (hereinafter McDaniel, PalmPower Review, Album to Go software), and further in view of Brechner et al. (hereinafter Brechner, US 6,970,859 B1).

As per claim 21, Santoro discloses a method of accessing a picture file received from a cellular telephone (col. 1 L10-15, col. 4 L33-55, col. 5 L13-22, col. 7 L17-25), said method comprising the steps of:

- receiving said picture file at said cellular telephone (col. 9 L34-42, col. 22 L1-20, col. 14 L54-56);

- simultaneously displaying a plurality of picture files on a display of said cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);
- enabling a first user to change information displayed with said received picture file by way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);
- providing a selection option associated with said picture file when said picture file is displayed on said cellular telephone (col. 9 L24-33, L42-56); and
- enabling access by said first user, remote from said cellular telephone by way of a webpage for a user associated with a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed (col. 22 L1 to col. 23 L18: desktop PC users accessing the updated version of plurality of tiles or picture files, col. 23 L. 60-67, fig. 4, col. 9 L1-56: picture file stored on world-wide web page).

However, Santoro does not disclose the process of providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enabling a user to separately select a selection option for each picture file of said plurality of picture files; and displaying a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files and the process of enabling a second user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page.

McDaniel explicitly discloses a software or an application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of

picture files is displayed on a handheld device, enables a user to separately select a selection option for each picture file of said plurality of picture files; and displays a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files (pg. 2 fig. B and fig. C).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone, enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page.

Brechner explicitly discloses the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page (fig. 1: plurality of picture file displayed on a web page, fig. 2 item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel and further in view of Brechner in order to enable the user to separately select a selection option associated with each picture file displayed on a web page.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose by the user (Brechner, col. 7 L15-25).

As per claim 22, Santoro discloses the process wherein said step of receiving said picture file at said cellular telephone comprises receiving said picture file by way of a wireless link of a telecommunications network (col. 11 L15-32, fig. 27, col. 24 L3-13 and col. 15 L51-64).

As per claim 24, Santoro discloses the process of storing said picture file on said cellular telephone (fig. 15 item #1506, fig. 17 item #1734 and col. 17 L30-39).

As per claim 25, Santoro discloses the process wherein the step of providing a selection option comprises providing a selection box associated with said picture file which can be selected by a user to indicate that a selection had been made (Santoro, col. 10 L14-22, col. 17 L20-25 and col. 14 L48-54; McDaniel, fig. B and fig. C).

As per claim 26, Santoro discloses a method of accessing a picture file received from a cellular telephone, said method comprising the steps of:

- storing a plurality of picture files on said cellular telephone (fig. 16 item #1502, fig. 17 item #1734, fig. 19 item #1918, fig. 2 item #100, item #122 and col. 9 L57-61);
- simultaneously displaying a plurality of picture files on a display of said cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);

- enabling a first user to change information displayed with said picture file of said plurality of picture files by way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);

- providing a selection option associated with said picture file when said picture file is displayed on said cellular telephone (col. 15 L65 to col. 16 L8, col. 17 L20-25 and col. 14 L46-54);

- enabling a first user to designate said selection option while said picture file is displayed on said cellular telephone (col. 15 L65 to col. 16 L8, col. 17 L20-25 and col. 14 L46-54); and

- enabling access by said first user, remote from said cellular telephone by way of a webpage for a user associated with a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed (col. 23 L1-18, col. 23 L. 60-67).

However, Santoro does not disclose the process of providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enabling a user to separately select a selection option for each picture file of said plurality of picture files; and displaying a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files and the process of enabling a second user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page.

McDaniel explicitly discloses a software or an application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enables a user to separately select a selection option for each picture file of said plurality of picture files; and displays a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files (pg. 2 fig. B and fig. C).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone, enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page.

Brechner explicitly discloses the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page (fig. 1: plurality of picture file displayed on a web page, fig. 2

item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel and further in view of Brechner in order to enable the user to separately select a selection option associated with each picture file displayed on a web page.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose by the user (Brechner, col. 7 L15-25).

As per claim 30, Santoro discloses the process of enabling a user to enlarge said picture file (col. 9 L1-11, col. 9 L42-55).

As per claim 31, Santoro discloses a method of accessing a picture file received from a cellular telephone, said method comprising the steps of:

- simultaneously displaying a plurality of picture files on a display of said cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);
- enabling a first user to change information displayed with said picture file of said plurality of picture files by way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);
- providing a selection option associated with said picture file when said picture file is displayed on said cellular telephone (col. 17 L20-25 and col. 14 L46-54);
- enabling a the first user to designate said selection option while said picture file is displayed on said cellular telephone (col. 17 L20-25, fig. 4 and col. 14 L46-54);

- enabling a user to enlarge said predetermined picture file (col. 9 L1-11, col. 9 L42-55);
and

- enabling access by said first user, remote from said cellular telephone by way of a webpage for a user associated with a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed (col. 23 L1-18, col. 23 L. 60-67).

However, Santoro does not disclose the process of providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enabling a user to separately select a selection option for each picture file of said plurality of picture files; and displaying a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files and the process of enabling a second user to select which picture files of said plurality of picture file displayed on a web page by way of a web page.

McDaniel explicitly discloses a software or an application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enables a user to separately select a selection option for each picture file of said plurality of picture files; and displays a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files (pg. 2 fig. B and fig. C).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone, enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to select which picture files of said plurality of picture file displayed on a web page by way of a web page for a user associated with a wireless service provider for cellular telephone.

Brechner explicitly discloses the process of enabling a user to separately select which picture files selection of said plurality of picture file are displayed on a web page by way of a web page (fig. 1: plurality of picture file displayed on a web page, fig. 2 item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel and further in view of Brechner in order to enable the user to separately select a selection option associated with each picture file displayed on a web page.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose by the user (Brechner, col. 7 L15-25).

As per claim 32, Santoro discloses the process wherein the step of displaying a picture file on a cellular telephone comprises a thumbnail of said picture file (col. 8 L57-67, fig. 4 and col. 9 L1-24).

As per claim 33, Santoro discloses the process wherein said step of enlarging said picture file comprises a step of displaying said picture file as a window on a display of said cellular telephone (col. 8 L1-15).

As per claim 35, Santoro discloses a method of presenting said picture file having a designated option according to a user selectable function (col. 9 L1-56 and col. 17 L20-25).

As per claim 36, Santoro discloses a method of accessing a picture file received from a cellular telephone, said method comprising the steps of:

- storing a plurality of picture files on said cellular telephone (fig. 16 item #1502, fig. 17 item #1734, fig. 19 item #1918, fig. 2 item #100, item #122 and col. 9 L57-61);
- simultaneously displaying a plurality of picture files on a display of said cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);
- enabling a first user to change information displayed with said picture file of said plurality of picture files by way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);
- providing a plurality of selection options, each said selection option being associated with a picture of said plurality of picture files (col. 17 L20-25 and col. 14 L46-54);
- enabling a first user to designate each said selection option associated with plurality of picture files (col. 17 L20-25, fig. 4 and col. 14 L46-54);

- enabling access by said first user, remote from said cellular telephone by way of a webpage for a user associated with a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed (col. 23 L1-18, col. 23 L. 60-67).

However, Santoro does not disclose the process of providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enabling a user to separately select a selection option for each picture file of said plurality of picture files; and displaying a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files and the process of enabling a user to select which picture files of said plurality of picture file displayed on a web page by way of a web page.

McDaniel explicitly discloses a software or an application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enables a user to separately select a selection option for each picture file of said plurality of picture files; and displays a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files (pg. 2 fig. B and fig. C).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone,

enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to select which picture files of said plurality of picture file displayed on a web page by way of a web page.

Brechner explicitly discloses the process of enabling a user to separately select which picture files selection of said plurality of picture file are displayed on a web page by way of a web page for a user (fig. 1: plurality of picture file displayed on a web page, fig. 2 item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel and further in view of Brechner in order to enable the user to separately select a selection option associated with each picture file displayed on a web page.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose by the user (Brechner, col. 7 L15-25).

As per claim 50, Santoro, McDaniel and Brechner discloses the process wherein the ifrst user and the second user are the same person (Santoro: col. 22 L1 to col. 23 L18; Brechner: col.

1 L29-32, col. 4 L7-67, col. 7 L15-26: the same user can access the web page from multiple locations).

As per claims 27, 29, 34, 37-40 and 51-53, they do not teach or further define over the limitations in claims 21-22, 24-26, 30-33, 35-36 and 50. Therefore, claims 27, 29, 34, 37-40 and 51-53 are rejected for the same reasons as set forth in claims 21-22, 24-26, 30-33, 35-36 and 50.

3. Claims 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santoro et al., (hereinafter Santoro, U. S. Patent No. 6,724,403 B1) in view of Heather McDaniel (hereinafter McDaniel, PalmPower Review, Album to Go software), in view of Brechner et al. (hereinafter Brechner, US 6,970,859 B1), and further in view of Rudy et al. (U. S. Patent No. 6,360,252 B1).

As per claim 23, Santoro, McDaniel and Brechner does not explicitly disclose the process of receiving said picture file at said cellular telephone as an attachment to an email.

Rudy, from the same field of endeavor, explicitly discloses the method wherein client machine (read as mobile telephone, col. 3 L39-42) receives the client version of email with descriptor of attachment (attachments contain images, text, video, multimedia documents, etc, col. 1 L25-28: read as receiving image file as attachment to an email, fig. 1 item #20 and #12 and col. 7 L49-53; col. 1 L64-67 to col. 2 L1-10).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Rudy as stated above with Santoro, McDaniel and Brechner in order to receive the picture file as an attachment to an email.

One of ordinary skilled in the art would have been motivated because the technique would have used where there is a low bandwidth connection between the server and a users mobile device, where there is a high latency connection or where there is a unreliable or intermittent connection. In addition, the technique would have been advantageous because it would have been used where the client machine or a mobile telephone is not adequate to render most attachments due to storage limitations or due to inadequate output capabilities, such as small display or display with inadequate resolution (Rudy, col. 4 L49-61).

As per claim 28, it does not teach or further define over the limitations in claim 23. Therefore, claim 28 is rejected for the same reasons as set forth in claim 23.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Qualcomm's pdq 1900 Smartphone, Computing Unplugged Magazine.
- b. Hands on Review of Pdq Palm/Cellphone.
- c. Yoshioka, U. S. Patent No. 6,839,068 B2.
- d. Nagahara et al., U. S. Patent No. 6,687,382 B2.
- e. Cover et al., US 6,961,905 B1: Method and System for Modifying an Image on a Web page: Editing Program.

Conclusion

Examiner's Remarks: The teachings of the prior art should not be restricted and/or limited to the citations by columns and line numbers, as specified in the rejection. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner, in order to move prosecution forward.

In the case of amendments, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and support, for ascertaining the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

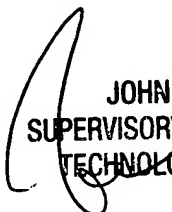
Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kamal Divecha/

Kamal Divecha
Art Unit 2151

 **JOHN FOLLANSBEE**
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